

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

JASON THURSTON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:22-cv-01178
	)	
MERCY HEALTH AND	)	
MHM SUPPORT SERVICES,	)	
	)	
Defendants.	)	

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1331, 1367, 1441 and 1446, Defendants Mercy Health and MHM Support Services (“Defendants”) hereby give notice of the removal of the above-styled action to this Court from the Circuit Court of St. Louis County, State of Missouri. In support of their Notice of Removal, Defendants state as follows:

1. The action styled *Jason Thurston v. Mercy Health and MHM Support Services*, Case No. 22SL-CC04203, was filed in the Circuit Court of St. Louis County, State of Missouri, on or about September 27, 2022 (the “Petition”).
2. Defendants Mercy Health and MHM Support Services were served with a summons and a copy of Plaintiff’s Petition for Damages on October 5, 2022 (the “Complaint”).
3. This Notice of Removal is timely because it is filed within the thirty-day period prescribed by 28 U.S.C. § 1446(b).
4. Venue of this civil action is proper in this Court pursuant to 28 U.S.C. §§ 1391, 1441(a) because Plaintiff filed his Complaint in the Circuit Court of St. Louis County, Missouri, which is located in the Eastern District’s jurisdiction.

5. The state court action is removable because this Court has jurisdiction based on federal question.

6. In his Complaint, Plaintiff purports to bring federal claims for employment discrimination under the Americans with Disabilities Act 42 U.S.C. § 12112(a) (“ADA”), as well as various state law claims.

7. Under 28 U.S.C. § 1441(a), claims or causes of action presented in state court proceedings where the district courts of the United States have original jurisdiction founded on a claim or right arising under the Constitution, treaties, or laws of the United States are removable without regard to the citizenship of the parties.

8. Plaintiff’s Complaint asserts claims arising under federal law, i.e., the ADA. Accordingly, this Court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331, and removal of this action is authorized by 28 U.S.C. § 1441.

9. Additionally, this Court can and should exercise supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367, because those claims are so related to the ADA claims that they are part of the same case or controversy as the claims over which this Court has original jurisdiction. *See McRaven v. Sanders*, 577 F.3d 974, 984 (8th Cir. 2009) (holding lower court’s exercise of supplemental jurisdiction over the plaintiff’s claims under the Arkansas Civil Rights Act was proper as the state and federal claims derived “from a common nucleus of operative fact”).

10. Defendants properly remove this case to federal court pursuant to 28 U.S.C. §§ 1331 and 1367 because Plaintiff’s Complaint asserts claims arising under federal law and this Court has supplemental jurisdiction over the asserted state law claims.

11. Pursuant to 28 U.S.C. § 1446(d), Defendants have given written notice of its filing of this Notice to Plaintiff. Defendants will also promptly file a copy of this Notice with the Circuit Court of St. Louis City, State of Missouri.

12. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders served on Defendants, and retrieved by the undersigned counsel from Missouri Case.Net, are attached to this Notice as “Exhibit A.”

WHEREFORE, Defendants Mercy Health and MHM Support Services, by and through their counsel, desiring to remove this civil action to the United States District Court for the Eastern District of Missouri, Eastern Division, pray that the filing of this Petition for and Notice of Removal, the giving of written notice thereof to Plaintiff, and the filing of a copy of this Petition for the Notice of Removal with the clerk of the Circuit Court of St. Louis County, State of Missouri, shall effect the removal of said civil action to this Honorable Court.

Respectfully submitted,

**OGLETREE, DEAKINS, NASH,  
SMOAK & STEWART, P.C.**

/s/ James M. Paul

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**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on November 4, 2022, I electronically filed the above and foregoing document using the Court's e-filing system and sent a copy via U.S. Mail to:

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/s/ James M. Paul

An Attorney for Defendants